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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JOSEPH DOWNEY WADE,

Plaintiff, Civil No. 01-6178-HO

v.

O R D E R

STATE OF OREGON; UNIVERSITY
OF OREGON; and JOHN MOSELEY,
in his official and
individual capacities,

Defendants.

COFFIN, Magistrate Judge:

In his response to the University of Oregon's Compliance Report, plaintiff in this action requests that the court extend the Settlement Agreement(SA) in this case for another three (3) years.

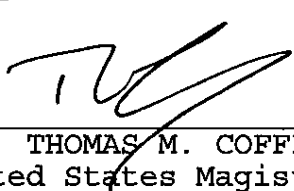
The SA was executed on June 3, 2002. By its express terms, the SA provided that "the Federal District Court shall retain jurisdiction over this matter, not to exceed six years from the date of the execution of this Agreement." (Paragraph J of SA). No provision in the SA authorizes the Court to extend its jurisdiction over the SA pursuant to the unilateral request of one of the parties. Accordingly, the court lacks the authority to do

so. See, Kokkomen v. Guardian Life Insurance Company of America, 511 U. S. 375, 114 S. Ct. 1673 (1994). The request to extend the court's jurisdiction must be denied. The parties agreed that the court's jurisdiction over the SA was to conclude no later than June 3, 2008, and while a timely motion filed prior to that date may have extended the court's jurisdiction to order compliance with specific provisions of the SA, (e.g., implementation of a systematic exit interview protocol), there is no basis in the agreement for an extension of the terms of the SA itself beyond its expiration date.

Construing plaintiff's response (#44) as a motion for the court to continue its oversight of compliance with the SA for an additional three years, it is denied.

SO ORDERED.

DATED this 19th day of September, 2008.



THOMAS M. COFFIN
United States Magistrate Judge